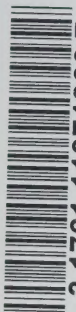


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Stanford, L.

Internal Research Project

Report No. 16

Chapter I Historical Background

Stanford - Steiner



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Recruitment

Public Service Division

Internal Research Project Report No. 16

Chapter I

Historical Background

Stanford -- Steiner

by Hillel Steiner

under the supervision of Lloyd Stanford


"An Historical Survey of Legislation and
Policy on Bilingualism and Biculturalism
in the Federal Civil Service."

Hillel Steiner

This report owes much to M. André Jeannotte's
excellent paper on the evolution of Civil
Service legislation.

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I. INTRODUCTION

In 1962, Commissioner F. Eugène Therrien pointed out, in a separate statement contained in Volume One of the Glassco Commission Report, that

"The position of bilingualism in the federal administration has remained hazy; the problem has never really been faced; in the past, friendly gestures in the form of occasional half-measures have had to suffice; events have been in control, not under control."

In undertaking to examine the historical development of bilingualism and biculturalism in the federal service, particularly with reference to the recruitment process, we are actually dealing with two problems. First, we must investigate the matter of what provisions, if any, were made for the creation and maintenance of bilingualism in the federal service. Second, we must consider, in the light of the actual Canadian experience, the policies and programmes adopted to encourage greater French-Canadian participation in the administration of the Government of Canada. In so stating the problem, we are not in fact, prejudging the entire issue, but rather taking cognizance of the acknowledged fact that where or when the federal service has historically been viewed as less than bilingual or bicultural, it has been due to the relative absence of the French element, and not that of the English one.

M. Therrien's sardonic characterization of previous efforts toward bilingualism as "friendly gestures in the form of occasional half-measures" perhaps does an injustice to the authors of the various provisions that have been enacted; as will be demonstrated in this report, the issue of bilingualism and biculturalism in the federal administration has, until recently, never been viewed as a problem at all. The paucity of statutory measures has been reflected in a dearth of delegated legislation which would presumably elaborate and effect the principles encompassed by such statutes. Moreover, the documentation of past programmes and directives is, to say the least, sketchy, and prior to 1918 (when the Civil Service Commission was reconstituted) non-existent.

II. EVOLUTION OF POLICY

Early Legislation

The first Civil Service Act of Canada received royal assent on May 22, 1868. There were no provisions in it for the creation of a bilingual service as such, nor in fact did it indicate, directly or indirectly, just what its authors envisioned as being the appropriate administrative arrangement for a state composed of two official language groups. Appointments were made from Ministers' nominees who successfully passed examination (sometimes after ~~two or three~~ ⁽¹⁾ attempts) by a board of deputy ministers. Professor

Hodgetts has observed that complaints over English-speaking monopolization of the overwhelming number of positions, particularly key managerial posts, arose frequently from ⁽²⁾ the French-speaking group.

Partial reform of this arrangement, which was less than prohibitive of rampant patronage, was undertaken by Parliament in 1882, following the report of the Campbell Royal Commission. A salaried board of examiners was established to prepare lists of eligible candidates from among whom Ministers might make appointments. The new Act, which received royal assent on May 17, provided that periodical examinations be held in large Canadian cities, and that the Board, in setting these examinations might "obtain the assistance of persons who have had experience in the education of the youth of the Dominion."

Examinations were to be "as far as practicable" in writing, and were to be held "in the English or French language or both at the option of the candidate." Notice of recruiting and promotion exams, as well as of new regulations pertaining to them, was to be published in the Canada Gazette in English and French. (3)

In the Commons debate over the bill little attention was given to the problem of language or to the provisions relating to it. Sir Hector Langevin, Secretary of State, in answering a criticism from Mr. Blake to the effect that the proposed legislation did not compel a completely written examination, stated that the ability of a candidate to speak both languages, for example, could only be tested orally. (4) The record shows that, in essence, parliamentary interest in the Act centred on the question of political patronage, and hardly at all on the matter of language in the civil service. Notably absent from the bill was any provision for the implementation of the Royal Commission's recommendation that all public officials serving in the province of Quebec possess the ability to speak French and English in order to conduct their business in a satisfactory manner.

The amendments of 1888

The amendments of 1884 and the consolidation of 1885 did not materially alter the effect of the Act in the area with which we are concerned. Some notable revisions were however

incorporated in 1888 which provided, among other things, that a fifty dollar bonus, above the minimum pay of a third class clerk, be awarded for the ability to perform "composition in French by English candidates and composition in English by French candidates." Examinations were to be held once annually, in November, from which graduates of any Canadian university, as well as the Royal Military College, were exempted. Furthermore, examinations were to be henceforth unilingual i.e. either English or French, but not both. (5) M. Laurier, questioning the Secretary of State on this latter point in the House, was told by the Hon. M. Chapleau that the granting of a bonus for bilingual composing abilities had obviated the need for allowing candidates at their option to try the examination in both languages, as had been stipulated in the previous legislation. (6) No further clarification of this explanation was sought.

The Acts of 1908 and 1918 and subsequent amendments

The Act of 1908, following on the recommendations of the Courtney Royal Commission, established the Civil Service Commission, endowing it (with some important exceptions) with the power of appointment, in the hope of further operationalizing a system of selection based on the merit principle. For our purposes, the most important limitation placed on the recruiting authority of the Commission, was the restriction of its jurisdiction to recruitment for Ottawa or the "Inside" Service. (7)

Thus field appointments, in Quebec for example, remained a departmental responsibility. The new Act contained no further elaborating provisions relating to language requirements in the federal administration.

By the end of World War I the modest reforms inaugurated under the 1908 Act had come to naught due primarily to the recruitment pressures of wartime administration and to shifts in political power. The extensive reorganization of the Civil Service which was implemented under the Act of 1918 went a considerable distance toward establishing a universal merit system insofar as all recruitment was made the responsibility of a truly independent Civil Service Commission.⁽⁸⁾ That this Act created many rigidities, and thus had subsequently to be modified in its application, is undeniably true; but its passage marks the turning point in the evolution of the federal service. For henceforth the question of patronage in recruiting appears to have become a matter of less urgency.

Again in this Act, the provisions relating to language were simply carried over from previous legislation, and were not supplemented. It is interesting to note that of the two major pieces of reform legislation concerning the federal service which were passed during the first half-century of Confederation (i.e. the Acts of 1908 and 1918), neither sought to alter, materially, existing practices pertaining to language requirements in recruitment and government business, or to codify them in any explicit way.

Among the regulations established in 1919 by the re-constituted Civil Service Commission, was one which stipulated that candidates for examination might choose to be tested on their knowledge of "Law" (as an optional subject in Section B of the exam) and that this must include both Common and Civil Law. (9) This regulation is cited here as but one example of instances where previous practices, the nature of which is not ascertainable, (due to a lack of documentation, and to the non-uniformity inherent in decentralized, departmental recruiting) are suddenly codified, in one form or another, thus limiting the accuracy with which earlier policies (in this case, pertaining to bilingualism) can be described.

Also of interest in an enquiry into biculturalism in the federal service, are the 1920 amendments to the Civil Service Act. These established ten holidays for federal civil servants which were: Sundays, New Year's Day, Good Friday, Easter Monday, Victoria Day, the reigning Sovereign's birthday, Dominion Day, Labour Day, Christmas Day, and a national day of thanksgiving. (10) This proposed schedule evoked considerable discussion in the House between the Prime Minister, Sir Robert Borden and several Quebec Opposition members; the former maintained that, though not specifically enumerated, Catholic holidays would be protected in the Civil Service by the custom (11) of the past fifty years.

The next dozen years saw no further measures incorporated, on the subject of bilingualism and biculturalism, save, in 1923,

the re-statement, as Regulation 19 of the Civil Service Commission Manual, of the principle that all examinations might be written in English or French, and further, that the choice of language be made at the time of application. (12)

The legislation of 1932 and 1938

In 1932 an amendment to the Act was introduced, and subsequently passed, which stipulated that all field appointments were to be made "as far as practicable" from persons resident in the locality concerned for at least one year prior to the date of appointment. (13) This amendment is of interest to us in that it appears, from the debate in the House surrounding its passage, to have been viewed as having its greatest impact on federal posts in the province of Quebec. Apparently the appointment of persons from outside the locality concerned, and sometimes from outside the province -- occasioning a certain amount of local resentment particularly if language differences occurred -- was not, up to that time, uncommon. (14) In any case, the 1932 amendment laid the groundwork for the passage of an amendment in 1938 which was to be of far wider significance.

The amendment of 1938 represents the first instance of explicit recognition, on the part of Parliament, of the need for language duality in the federal service. Up to this time, provisions relating to language, which were contained in various pieces of legislation, were viewed as peripheral to the central themes of such bills; in 1938 the issue of language in the federal government was finally given serious legislative attention. The amendment reads as follows:

"Except where otherwise expressly provided, all appointments to the civil service shall be upon competitive examination under and pursuant to the provisions of this Act, and shall be during pleasure: * Provided that no appointment, whether permanent or temporary shall be made to a local position within a province, and no employee shall be transferred from a position in a province to a local position in the same or another province, whether permanent or temporary until and unless the candidate or employee has qualified, by examination, in the knowledge and use of the language of the majority of the persons with whom he is required to do business: provided that such language shall be the French or English language." (15)

The discussion provoked by the bill indicated a genuine awakening of interest in the entire problem within the House. Following second reading, the Leader of the Opposition Mr. Bennett, while agreeing with the principle of the bill (i.e. service to the public in its own language) expressed fears that its provisions might endanger the operation of the merit system in some appointments. On final reading Opposition members stated their concern lest the criterion of "the language of the locality" be applied to scientific and technical officers whose duties involved no contact with the public. Mr. Bennett raised a final objection to the bill, namely that no provision had been made for service in its own language to a proportionately significant minority, in terms of appointment qualifications. Government spokesmen Lapointe and Ilsley felt that in such instances the Civil Service Commission could be relied upon to make a fair accommodation. (16)

* carried over from previous Act.

The Post-War Period

A partial elaboration of the principle contained in the 1938 amendment, took the form of Civil Service Regulation 32.A, issued in 1942 which stated:

"If an appointment is required in a locality where both English and French are spoken, and the deputy-head of the department in which the appointment is to be made advises the Commission that a knowledge of both English and French is required for the proper performance of its duties the Commission shall appoint to the position a person who possesses such qualifications." (17)

This regulation underscored the acknowledged fact that primary responsibility for determining the language qualifications for any position lay with the departments.

The gradual shifting of this responsibility over the next two decades, on to the shoulders of the Civil Service Commission is best traced through the documents contained in Civil Service Commission File 334, labelled "Language Requirements". In 1949 an exchange of letters between Mr. J.T. Hackett M.P. and Mr. Bland, Chairman of the Commission, indicates that so far as the latter was concerned responsibility for determining language requirements rested solely with the departments. This view was confirmed by the Civil Service Commission's M.O.B. 25 of that same year which instructed that no Commission officer could alter the departmentally stipulated language requirement without first confirming the change with the deputy-minister.

On May 12, 1950, Mr. Ault, the Commission's Director of Personnel Selection circulated, for discussion within the Commission, a summary of the Union of South Africa's system of rating bilingualism.

On August 21 of the same year Civil Service Commission Chairman Boudreau circulated a memorandum declaring his opposition to the exclusive determination of language requirements by departments; he argued that the measurement of linguistic ability was difficult at best, and therefore that the Commission was in a position to at least ensure a degree of uniformity in this matter throughout the service.

A decade later Mr. Patterson, Director of the Operations Branch suggested, in a memorandum, the incorporation of the following provision as a selection procedure:

"Where it is considered in the best interests of the Service that the person appointed to a particular position have a knowledge of both the English and French languages, the first person on the eligible list possessing such knowledge may be appointed to that position ahead of those who precede him on the eligible list but who lack a knowledge of both languages." (18)

Some Notes on Current Policy and Programmes

The present phase in the development of bilingualism and biculturalism in the federal service may be viewed as having begun with the passage of a new Civil Service Act in 1961. Effecting what, in retrospect, constituted a major turning point in language policy, the legislation shifted the responsibility for the deter-

mination of language requirements to the Civil Service Commission. Section 36 of the present Act stipulates that the Commission may determine whether notice of competition is to be given in English or French or both, on the basis of affording "all eligible a reasonable opportunity to apply". It further states:

"An examination, test or interview under this section shall be conducted in the English or French language or both, at the option of the candidate."

Most notable here is the restoration of optional bilingual examinations, which had been dropped in the 1888 legislation. It is however in Section 47 of the Act, (which supersedes the provision of 1938, cited previously) that we find the essential alteration:

"The number of employees appointed to serve in any department or in any local office of a department who are qualified in the knowledge and use of the English or French language or both shall, in the opinion of the Commission be sufficient to enable the department or local office to perform its functions adequately and to give effective service to the public." (19)

Commission Chairman Hughes testified before a parliamentary committee:

"Clause 47 of the bill lays upon the Commission the responsibility of seeing that this consideration (i.e. that civil servants serving a public which is both English and French in composition) is borne in mind not only in local positions but in head office positions of departments, and not only in the language of the majority but in terms of the use of both languages where it is considered that their use is necessary to give effective service to the public. This

will enable the Commission in practice to give preference to applicants for positions, and existing employees who are bilingual as circumstances may require." (20)

A number of objections to the bill were raised by Opposition members. M. Caron complained that the proposed legislation offered neither incentives nor advantage nor special consideration to bilingual applicants; he urged that a general preference, unrelated to the requirements of particular positions, be granted to bilingual candidates in all competitions. An interesting exchange was that which occurred between M. Pigeon, on the Government side, and Opposition member George McIlraith. The former had stated the view, during the debate on second reading, that:

"...apartheid is not confined to South Africa; it is also found in the civil service generally."

Mr. McIlraith expressed apprehension lest, in view of Pigeon's remarks, the proposed legislation be seen as a justification in principle for the employment of the criterion of ethnic origin rather than linguistic ability, in the selection process. (21)

Armed with this new authority, the Civil Service Commission in April 1962, issued a memorandum to its Operations Branch on the subject of language in civil service appointments; this memorandum, its three supplements, and the directives to government departments derived from them are appended to this report. They represent an attempt to create clearly-defined guidelines for the establishment of language requirements, the wording of competition

advertising and the composition of examining boards. Informal discussions held with a number of Commission officers would seem to indicate that these guidelines constituted in fact a formalization of practices which were already current.

This paper has not attempted to describe actual previous recruiting programmes since documentation on the subject does not exist. Conversations with Civil Service Commission officers reveal that frequently, any alterations in standard recruiting techniques were formulated at informal meetings, but that even these rarely amounted to more than an adjustment of the intensity of competition advertising, or a change in the number of recruiting agents sent into the field. (22)

In this regard it is worth noting that until very recently many examining boards recruiting in the Province of Quebec, and other areas which are predominantly French-speaking were composed of members who were unilingual English-speaking and who engaged the services of interpreters in their conduct of interviews. In fact unilingual English-speaking interviewers are still involved, in some instances, in assessing the bilingual skills of English-speaking candidates. (See Chapter 4(a) on J.E.O.-F.S.O. recruitment.)

III. CONCLUSIONS

The evolution of language policy can be most closely related to two other developments -- one political, the other essentially administrative. First, it is clear that the major incidents of legislative and administrative attention to the problem of a bilingual and bicultural federal service have occurred during periods of significant political change in the Province of Quebec. The prevalence of nationalist sentiment in the late 1930's, which gave rise to the National Union Party, and the "Quiet Revolution" of the 1960's, are events which have marked the periods of greatest legislative action in the area with which we are concerned.

Language policy has also evolved in conjunction with the gradual transfer of the recruiting function from the departments to the Civil Service Commission; in this latter process, the 1918 legislation must be viewed as a watershed. The reconstituted Civil Service Commission was thenceforward able to more effectively turn its attention (and authority) to the entire question of position classification and job requirements.. Though not specifically empowered to define language requirements until 1961, the advisory role played by the Commission in this area during the 1918-61 period cannot be underestimated. Even the moderate decentralization of responsibility for personnel policy which followed the recommendations of the Glassco Commission does not appear to have diminished the authority or effectiveness of the Civil Service Commission in

establishing and amending the language requirements of civil service positions, and language policy in recruiting programmes. Detailed directives such as those contained in Operations Branch memoranda, and more recently in the C.S.C.'s Staffing Manual indicate that the Commission is very much involved in the formulation and elaboration of policy in these matters.

Thus the development of policies and programmes consciously directed at enhancing the bilingual and bicultural character of the federal service can be largely attributed to the stimulus of public awareness and political concern, and to the existence of an operational administrative framework directed to that end.

IV. SUMMARY OF EVOLUTION OF POLICY

- 1868 -- first Civil Service Act
- examination of Minister's nominees by a board of deputy ministers
- 1882 -- Act amended
- written examinations in English or French or both.
- 1888 -- \$50 bonus for third-class clerks capable of composition in both official languages.
- written examinations in either English or French
- 1908 -- Civil Service Commission established as the recruiting agency for the "Inside Service".
- 1918 -- reconstitution of Civil Service Commission -- responsible for all recruiting for federal service.
- 1919 -- issuance of C.S.C. regulation stipulating Common and Civil Law as optional subjects on civil service examinations.
- 1920 -- establishment of ten annual civil service holidays
- Prime Minister assures that right of observance of Catholic holidays will be protected.
- 1923 -- C.S.C. regulation requires that choice of language of examination be made at time of application.
- 1932 -- field appointments to be made from persons resident in the locality concerned
- 1938 -- increasing parliamentary interest in question of bilingualism in federal service
- all appointees must have a working knowledge "of the language of the majority of the persons" with whom they are required to do business.
- provision of service in its own tongue to a minority language group, to be left to judgment of C.S.C.
- 1942 -- explicit statement that responsibility for determining whether a position requires a bilingual appointee rests with departments.

- 1950 -- C.S.C. Chairman Boudreau proposes more active role for C.S.C. in determination of language requirement in appointments
- 1960 -- C.S.C. Operations Branch recommends a preference system for bilinguals on competition eligible lists
- 1961 -- new Civil Service Act
 - responsibility for determination of language requirement in appointments shifted to C.S.C.
 - restoration of optional bilingual examinations
- 1962-3-4-5 -- C.S.C. issues detailed regulations governing determination of language requirements, composition of boards, and competition advertising.

FOOTNOTES

- 1/ Civil Service Commission
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Queen's Printer (Ottawa) 1958
- 2/ Hodgetts, J.E. Pioneer Public Service p. 57
University of Toronto Press
(Toronto) 1955
- 3/ Canada Civil Service Act, 1882 Section 6, p. 49
Section 28, p. 52. 45 Victoria
(Ottawa) 1882
- 4/ Canada House of Commons Debates 1882 p. 1123
Vol. XII (Ottawa) 1882
- 5/ Canada Civil Service Act 1888. Section 4, p. 72
and Section 5, p. 73. 51 Victoria
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- 6/ Canada House of Commons Debates 1888 pp. 1435-6
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- 7/ Civil Service Commission,
Report: Personnel Administration in the Public Service p. 5
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- 8/ Ibid p. 6
- 9/ Civil Service Commission
Regulations of the Civil Service of Canada Regulation C (1), pp. 8 and 9
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- 10/ Canada Civil Service Act Section 6, p. 151
Statutes Vol. I, 10-11 George V
(Ottawa) 1920

- 11/ Canada House of Commons Debates 1920
pp. 4259-62 Vol. V (Ottawa) 1920
- 12/ Civil Service Commission
Regulations of the Civil Service of Canada Regulation 19, p. 9
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- 13/ Canada Civil Service Act 1932. Section 4, p. 156
Statutes, Parts I - II. 22-23 George V (Ottawa) 1932
- 14/ Canada House of Commons Debates 1932 pp. 3251-2
Vol. III (Ottawa) 1932
- 15/ Canada Civil Service Act 1938. Sections 1 and 2, p. 19
Statutes, Parts I - II. 2 George VI (Ottawa) 1938
- 16/ Canada House of Commons Debates 1938 pp. 1485-7
Vol. II (Ottawa) 1938
- 17/ Civil Service Commission
Regulations of the Civil Service of Canada. Regulation 32A, 1 p. 13
Printer to the King's Most Excellent Majesty (Ottawa) 1942
- 18/ Patterson, C.R.
Memorandum to Operations Branch
July 5, 1960.
- 19/ Canada Civil Service Act 1961. Section 47, p. 396
Statutes. Vol. I. 9-10 Elizabeth II (Ottawa) 1961
- 20/ Canada House of Commons Debates 1960-61 p. 7714
Vol. VII (Ottawa) 1961
- 21/ Ibid pp. 7967-83

22/ Discussions were held with:

<u>Miss Dorothy Cadwell,</u>	Pay and Standards Branch, who is writing an historical summary of civil service legislation. November 3, 1965.
<u>Mr. J.M. Garneau,</u>	Associate Director General of the Staffing Branch. October 26, 1965.
<u>Mr. J.R. Neville,</u>	Senior Staff Officer in the Staffing Branch. October 19, 1965.
<u>Mr. C.R. Patterson,</u>	former Director of the Operations Branch. October 20, 1965.
<u>Mr. P.R. Powers,</u>	Secretary of the Civil Service Commission. October 19 and 26, 1965.
<u>Mr. G.E. Roper,</u>	Chief Research Officer - Staffing Branch, October 15 and 21, 1965.

OTTAWA, April 2, 1962.

MOB 8 - 1962

MEMORANDUM TO OPERATIONS BRANCH:

SUBJECT: Language in civil service appointments

FILE: 334

Section 47 of the new Act relates to the question of language in civil service appointments. No regulation has been made under this section. Under the former Act, section 19 and regulation 32(3) deal with the same subject matter but in significantly different terms. Under the present Act, the Civil Service Commission is given discretion to judge to what extent knowledge of the English language or the French language or both is required in any government department or office to perform its functions adequately and to give effective service to the public.

The mandate is a simple one but its execution is not. In the circumstances, the Commission at this time wishes only to set out fundamental rules which shall be followed in the vast majority of appointments.

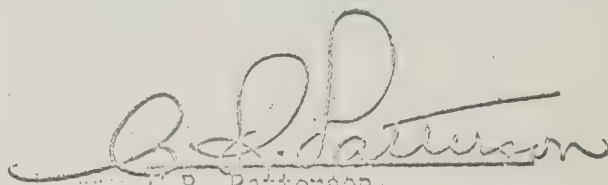
These rules, which are three in number, are set out hereunder and shall be followed wherever practical:

- 1) Where the minority (English speaking or French speaking) of the persons to be served by an office represents at least 40 per cent of the persons to be served by that office, all the employees shall be sufficiently competent in the knowledge and use of both the English and the French languages to perform their functions adequately and to give effective service to the public.
- 2) Where the minority (English speaking or French speaking) of the persons to be served by an office represents less than 40 per cent of the persons to be served by that office, the number of employees sufficiently competent in the knowledge and use of both the English and the French languages to perform their duties adequately and give effective service to the public, shall be at least in the proportion of the whole staff of that office as the minority is to the total number of the persons to be served by that office.

- 3) In any office which employs unilingual persons, whether such office serves the public direct or not, the immediate supervisors of such persons shall be sufficiently competent in the knowledge and use of the English or the French language, as the case may be, to give proper direction to such unilingual persons.

As an obvious corollary to the first two rules set out above, the Commission wishes to point out that in those offices serving a public comprising both a majority and a minority of persons using one or the other official language, all the employees in such offices should be sufficiently competent in the knowledge and use of the language of the majority.

The Commission is fully aware of the fact that there are certain special cases to which the three fundamental rules set out above may not readily be applicable. It is, therefore, our intention from time to time, and in the light of experience, to issue further directives as the need arises.


C.R. Patterson,
Director of Operations.

OPTIONAL FORM NO. 10, June 17, 1964.

MOB 8-1912
Supplement #1

MEMORANDUM TO OPERATIONS BRANCH

SUBJECT: Language - Policy and Procedures

FILE: 334

On December 15, 1963, the Commission directed that an interbranch committee under the chairmanship of the Operations Branch prepare proposals for consideration by the Commission on methods for increasing the intake of bilingual persons in the Civil Service of Canada. The report of the committee prepared in response to the Commission's request contained comments and proposals on recruiting, selection, examinations, induction to the Service, career programming and training. The Commission has now considered the proposals of the committee and has approved the pursuit and adoption of certain measures to meet the bilingual needs of the Civil Service and the development of procedures for the discharge of its own responsibilities under the Civil Service Act.

The Operations Branch is setting up a language committee under the chairmanship of the Assistant Director of Operations to develop the organization and procedures required for the prompt and effective implementation and the further development of the Commission's decisions in the following area:

- (a) Recruitment and selection, promotion, examination and assignment policies and practices.
- (b) Principles to govern the determination of language requirements under the provisions of Section 47 of the Civil Service Act.

It is our intention from time to time to issue statements and directives as comprehensive procedures are fully developed. At this time we wish to draw particular attention to the following decisions:

(a) Competitions

Where the immediate performance of particular tasks requires bilingual skills, positions will continue to be advertised as bilingual. However, where such skills, although not immediately essential, are sufficiently useful (specifically to perform the total task without drawing upon the assistance

of clients, colleagues, subordinates or translators), advertisements will specify - That while bilingual skills are not a requirement, such skills or limited skills constitute a relevant asset and will be rated accordingly.

In order to comply with the above, the following language clauses will be used in future for advertising purposes:

- 1) Where a knowledge and use of both the English and the French languages to perform the functions adequately is required -

Clause: A knowledge of both the English and the French languages is required for this position.

- 2) Where a knowledge of a second language (English or French) is not an essential requirement but is considered to be useful -

Clause: While a knowledge of the (English or French) language is required, a knowledge of the (English or French) language although not essential, will be an asset.

(b) Examination

With particular reference to the University Recruiting Programme, continued efforts will be made

- 1) to place greater reliance on the use of general intelligence tests than of culturally-conditioned knowledge tests, and to develop technical and performance tests in closer consultation with representatives of the major educational and training systems in Canada, and
- 2) to set up examination boards composed entirely of members with the knowledge and skill necessary to assess each candidate's education and experience and to interview him in his own language, and to have each interview conducted in the language of the applicant, save for any testing of his bilingual capacity.

In this connection it is the policy of the Commission that all examinations, including oral interviews, be conducted in the English or French languages, or both, at the option of the candidate. In fact, this is a statutory requirement (Section 38(2) of the Civil Service Act). As a matter of policy, candidates must be afforded every opportunity to be examined in the official language of their choice. For your guidance, the following procedure will be used in future for all oral examinations:

- 1) Wherever a candidate has formally indicated his choice of language for the purpose of his examination, the responsible Operations Officer will set up an examination board composed of, at least, a majority of members competent to conduct the examination and to interview the candidate in the language of his choice.

Normally, the candidate will indicate his choice of language in his application or he may do so at some reasonable time in advance of the examination; otherwise, it will be assumed that the candidate wishes to be examined in the language in which he has completed his application.

- 2) As an obvious corollary to the above, where the advertisement for a competition specifies that a knowledge of both the English and the French languages is required, the examination board should be composed of members (C.S.C. board chairman, departmental representative, technical member) who are competent to assess the candidate's education, experience and other relevant qualifications and his bilingual capacity.

The Operations Branch is fully aware of the fact that there may be situations where these procedures may not readily be applied and it is requested that proposed alternative arrangements be submitted to the Chief of Division concerned for consideration before initiating such arrangements.

(c) General

1) Area of Competition

Wherever the advertisement for a competition does not specify a language requirement and the competition is conducted in an area with an official-mother-tongue minority of not less than ten percent, unilingual candidates of either official language will be eligible to qualify.

MOB 8-1962, Supplement III

As a matter of policy, where the performance of particular tasks requires particular language skills, the language requirements must be stated carefully in language posters issued by the Commission.

Attached is a list of provinces and municipalities, 10,000 and over, with official mother-tongue minorities, 10% and over.


2) Additional Credits for Language Skills

Wherever advertisements specify that particular language skills constitute a relevant asset, the use of such skills should be rated accordingly. Provision should be made in the rating guide used in the examination to give appropriate credit to the degree of language capacity demonstrated by the candidate.

With a view to maintaining some degree of consistency in the rating of language capacity, the Operations officer should consult with Mr. Leger who will serve as Secretary to the Language Committee and provide functional assistance in this area.

3) Administration of Section 47 of the Act

With particular reference to the implementation of Section 47 of the Act, steps are being taken to set up fundamental rules and criteria to govern the determination of language requirements in departmental units. Until further directives are issued, the provisions of MOB 8-1962 should be followed when making appointments in local offices. The extension of similar principles to departmental headquarters units requires co-operation and initiative on the part of departments and agencies. In this difficult area, a programme will be set up to conduct, with the help of departments, a systematic and continuing review of departmental requirements and to develop comprehensive criteria for an effective implementation of Section 47 of the Act. Meanwhile, special problems and issues of a controversial nature should be referred to the Chiefs of Divisions.


C.R. Patterson,
Director of Operations.

Appendix to MCB 8-1962. Supplement 1.

List of official mother-tongue minorities 10% and over, provinces and municipalities 10,000 and over.

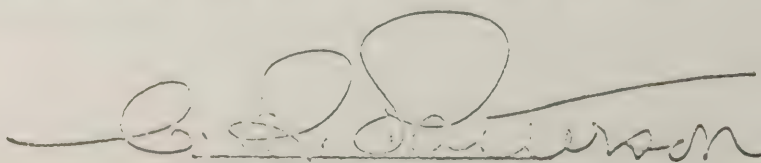
	<u>FRENCH</u>		<u>ENGLISH</u>
Canada	28.0		
New Brunswick	35.2	Quebec	13.3
<hr/>			
Nova Scotia			
<hr/>			
Inverness	23.4		
Richmond	43.0		
<hr/>			
New Brunswick			
<hr/>			
Moncton	32.5	Edmunston	10.5
		Bathurst	36.3
<hr/>			
Quebec			
<hr/>			
		Amqui	11.1
		Catolac	11.7
		Magog	11.1
		Noranda	28.4
		Ste-Foy	12.1
		St-Jean	18.8
		Sept-Îles	10.4
		Sherbrooke	10.5
		Sillery	15.9
<hr/>			
		<u>Montreal (Census Metro)</u>	23.4
		a) <u>Montreal Island</u>	24.0
Beaconsfield	12.3	Montreal	17.1
Dorval	27.5	Montreal-N.	13.1
Mont-Royal	25.7	Lachine	38.3
Pierrefonds	36.5	LaSalle	37.3
Pointe-Claire	18.7	Outremont	22.4
St-Laurent	41.0	Pointe-aux-Trembles	14.2
Westmount	20.3	Verdun	39.4
<hr/>			
		b) <u>Île-Jesus</u>	13.9
		Chomedey	26.1
<hr/>			
		c) <u>Other</u>	
St-Lambert	42.4	LaFleche	22.4
		Longueuil	14.6
		St-Hubert	41.3

List of official mother-tongue minorities 10% and over, provinces and municipalities 10,000 and over. (continued)

	FRANCE	ENGLISH
<u>Ontario</u>		
Cornwall	42.4	
Elliot Lake	27.5	
Gloucester Twp. (Orleans)	39.6	
Pembroke	10.3	
Port Colborne	10.0	
Teck Twp. (Kirkland Lake)	18.8	
Welland	16.6	
<u>Ottawa-Hull (Census Metro)</u>	37.7	
Ottawa	21.0	Eastview 34.0
<u>Sudbury (Census Metro)</u>	30.7	
Sudbury	29.1	
<u>Timmins (Census Metro)</u>	34.3	
Timmins	40.9	
<u>Widdifield Twp.</u>	20.4	
North Bay	18.6	
<u>Windsor (Census Metro)</u>	10.3	
Riverside	10.3	
Sandwich E.	15.1	
Sandwich W.	11.1	
<u>Manitoba</u>		
St. Boniface	35.6	
St. Vital	10.0	
<u>Alberta</u>		
Bonnyville	19.7	
Sturgeon County	10.3	
<u>British Columbia</u>		
Coquitlam	11.1	

The following procedure will be effective immediately:

1. Where, in the area to be served, the minority language group is less than 10% of the population, one of the following two statements should appear on the advertising poster, according to the language requirement needed for the efficient performance of the duties involved.
 - (a) When the duties of the position require one language only: "The performance of the duties of this position requires a knowledge of the "X" language".
 - (b) When the duties of the position require that the incumbent be bilingual: "The performance of the duties of this position requires a knowledge of both the English and French languages".
2. Where, in the area to be served, the minority language group is at least 10% of the population, one of the following three statements should appear on the advertising poster, according to the language requirement needed for the efficient performance of the duties involved:
 - (a) When bilingual ability is required: "The performance of the duties of this position requires a knowledge of both the English and French languages".
 - (b) When there is no particular requirement for one or the other language: "Candidates having a knowledge of either English or French are eligible to apply, but a knowledge of both languages will be considered an asset in the assessment of candidates".
 - (c) When a particular language is required: "The performance of the duties of this position requires a knowledge of the "X" language, but a knowledge of both "X" and "Y" will be considered an asset in the assessment of candidates".
3. When a competition is initiated to provide an eligible list from which a number of positions will be filled and where a unilingual person may be appointed in one or more of these positions, the following statement should be used: "A knowledge of the English and French languages is required for some positions. For other positions, a knowledge of one or the other language may suffice".



C.R. Patterson,
Director of Operations.

According to the statistics of the 1961 Census 28.0% of the population of Canada has French as its mother-tongue. In the Province of Quebec, 13.3% of the population has English as its mother-tongue, and in the Province of New Brunswick, 35.2% of the population has French as its mother-tongue.

List of official mother-tongue minorities of 10% and over, municipalities, 10,000 and over, according to Canada Census, 1961.

	<u>FRENCH</u>		<u>ENGLISH</u>
			%
<u>NOVA SCOTIA</u>			
Inverness	26.4		
Richmond	48.0		
<u>NEW BRUNSWICK</u>			
Moncton	32.5	Edmundston	10.5
		Bathurst	36.3
<u>QUEBEC</u>			
		Arvida	11.1
		Gatineau	11.7
		Magog	11.1
		Noranda	28.4
		Ste-Foy	12.1
		St-Jean	18.8
		Sept-Îles	10.4
		Sherbrooke	10.5
		Sillery	15.9
		<u>Montreal (Census Metro)</u>	23.4
		a) <u>Montreal Island</u>	24.0
Beaconsfield	12.3	Montreal	17.1
Dorval	27.5	Montreal-N.	13.1
Mont-Royal	25.7	Lachine	38.3
Pierrefonds	36.5	LaSalle	37.3
Pointe-Claire	18.7	Outremont	22.4
St-Laurent	41.0	Pointe-aux-Trembles	14.2
Westmount	20.3	Verdun	39.4
		b) <u>Ile-Jesus</u>	13.9
		Chomedey	26.1
		c) <u>Cote</u>	
St-Lambert	42.4	LaPêche	22.4
		Longueuil	14.6
		St-Hubert	41.3

Appendix to MB 8-1962, Supplement 1
List of official mother-tongue minorities 10,000 and over,
municipalities 10,000 and over. (continued).

<u>MTLANTIC</u>	<u>FRENCH</u>	<u>ENGLISH</u>
Cornwall	42.4	
Elliot Lake	27.8	
Gloucester Twp. (Orleans)	39.6	
Pembroke	10.3	
Port Colborne	10.0	
Teck Twp. (Kirkland Lake)	18.8	
Welland	16.6	
<u>Ottawa-Hull</u> (Census Metro)	37.7	
Ottawa	21.3	Eastview 34.0
<u>Sudbury</u> (Census Metro)	30.7	
Sudbury	29.1	
<u>Timmins</u> (Census Metro)	34.3	
Timmins	40.9	
<u>Widdifield Twp.</u>	20.4	
North Bay	18.6	
<u>Windsor</u> (Census Metro)	10.3	
Riverside	10.3	
Sandwich E.	15.1	
Sandwich W.	11.1	
<u>MANITOBA</u>		
St. Boniface	35.6	
St. Vital	10.0	
<u>ALBERTA</u>		
Bonnyville	19.7	
Sturgeon County	10.3	
<u>BRITISH COLUMBIA</u>		
Coquitlam	11.1	

Ottawa 4, September 2, 1965

MOB 3 - 1962
Supplement #3

MEMORANDUM TO: OPERATIONS BRANCH

SUBJECT: Language - Policy and Procedures: Examination of Examining Boards.

File: 334

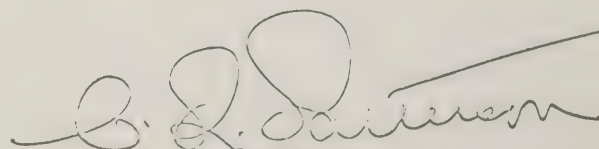
In our last Memorandum to the Operations Branch, MOB 3 - 1962, Supplement #2, dated May 28, 1965, you were advised concerning the language statements that should be used in our advertising posters. It was also stated that the Branch would issue additional directives as comprehensive procedures were developed to meet the bilingual needs of the Civil Service and for the discharge of the Commission's own responsibilities under the Civil Service Act.

In response to a request from the Civil Service Commission, the Department of Justice gave an opinion concerning the application of Section 28(2) of the Civil Service Act. This opinion states that the use of an interpreter in the conduct of examinations does not satisfy the requirements of said section. It further advances the opinion that all members of the examining board need not be qualified in the official tongue selected by the candidate for his examination as long as the board is in a position to assess the candidates in a competent and efficient manner.

The Commission, having considered this opinion, has ruled that:

- (1) Every Examining Board must have at least two members, or a majority of Board members, who can carry out the examination in the official language specified by any candidate.
- (2) Any cases where the above arrangement is not possible should be reported to the appropriate supervisor, preferably in advance of the date of the examination.
- (3) The ultimate object of having all Board members in such situations so qualified must be kept in mind.
- (4) The use of a translator or interpreter as an intermediary between the Board and the candidate cannot be condoned in any circumstances.

You are requested to put this directive into effect immediately, whenever Section 38(2) of the Civil Service Act is concerned.


C. R. Patterson,
Director of Operations.

Ottawa
CANADAOttawa, May 10, 1962.
Ref: 554 (JAM)

Deputy Heads, Government Departments, Ottawa.

Re: Language Requirements for Civil Service Appointments

Under the provisions of Section 47 of the Civil Service Act, the Commission has been given discretion to judge to what extent the knowledge and use of the English language and the French language or both is required in any government department or local office "to perform its functions adequately and to give effective service to the public".

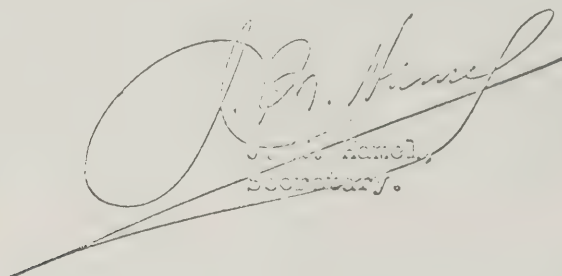
The Commission, at this time, sets out herunder three fundamental rules which will be followed wherever practical:

1. Where the minority (English speaking or French speaking) of the persons to be served by an office represents at least 40 per cent of the persons to be served by that office, all the employees must be sufficiently competent in the knowledge and use of both of these languages to perform their functions adequately.
2. Where the minority (English speaking or French speaking) of the persons to be served by an office represents less than 40 per cent of the persons to be served by that office the number of employees sufficiently competent in the knowledge and use of both languages shall be at approximately the same proportion to the whole office staff as the minority is to the total number of the persons so served, and all other employees must be sufficiently competent in the knowledge and use of the language of the majority.

.....

3. In any office which employs persons who are competent in the use of either the English or the French language only, whether such office serves the public direct or not, the immediate supervisors of such persons shall be sufficiently competent in the knowledge and use of such language, as the case may be, to give proper direction to such persons.

The Commission is aware that in certain special cases these rules may not be readily applicable and it will, therefore, in the light of its experience issue further directives as these needs arise.


J. G. Hamel,
Secretary.

EX-100

Ottawa 4, June 18, 1966

Ref: 334

Deputy Heads, Government Departments, Ottawa.

Re: Language statements for advertising purposes

Some of the statements used in competition posters to indicate language requirements have, from time to time, given rise to misunderstanding and criticism. The Commission has reviewed the situation and is of the opinion that a limited number of statements should suffice to clearly express language requirements in most cases. It has accordingly decided that, effective immediately, the following procedure is to be implemented in all competitions, whether open or closed, departmental or interdepartmental:

1. Where, in the area to be served, the minority language group is less than 10% of the population, one of the following two statements should appear on the advertising poster, according to the language requirement needed for the efficient performance of the duties involved:
 - (a) When the duties of the position require one language only: "The performance of the duties of this position requires a knowledge of the "X" language".
 - (b) When the duties of the position require that the incumbent be bilingual: "The performance of the duties of this position requires a knowledge of both the English and French languages".
2. Where, in the area to be served, the minority language group is at least 10% of the population, one of the following three statements should appear on the advertising poster, according to the language requirement needed for the efficient performance of the duties involved:
 - (a) When bilingual ability is required: "The performance of the duties of this position requires a knowledge of both the English and French languages".

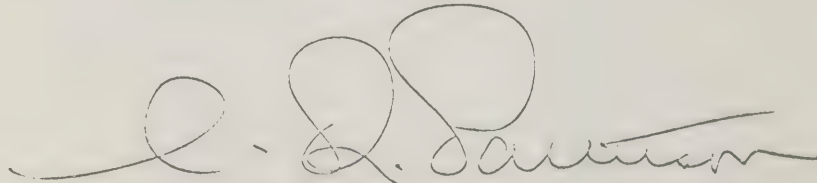
(b) When there is no particular requirement for one or the other language: "Candidates having a knowledge of either English or French are eligible to apply, but a knowledge of both languages will be considered an asset in the assessment of candidates".

(c) When a particular language is required: "The performance of the duties of this position requires a knowledge of the "X" language, but a knowledge of both "X" and "Y" will be considered an asset in the assessment of candidates".

3. When a competition is initiated to provide an eligible list from which a number of positions will be filled and where an unilingual person may be appointed in one or more of these positions, the following statement should be used: "A knowledge of the English and French languages is required for some positions. For other positions, a knowledge of one or the other language may suffice."

Should changes in procedures appear to be warranted, suggested modifications must be referred to the Director of Operations, Civil Service Commission, before any change is effected.

Enclosed is a list indicating the centres and areas with a population of 10,000 and over which have an English or French mother-tongue minority of at least ten per cent.



C.R. Patterson,
Director of Operations.

List of centres and areas with a population of 10,000 and over, which have an English or French mother-tongue. (Percentage of the total population each.)

	<u>FRENCH</u>		<u>ENGLISH</u>
	%		%
<u>NOVA SCOTIA</u>			
Inverness	28.4		
Richmond	48.0		
<u>NEW BRUNSWICK</u>			
Moncton	32.5	Edmundston	10.5
		Bathurst	36.3
<u>QUEBEC</u>			
		Arvida	11.1
		Gatineau	11.7
		Magog	11.1
		Noranda	20.4
		Ste-Foy	12.1
		St-Jean	18.8
		Sept-Iles	10.4
		Sherbrooke	10.5
		Sillery	15.9
		<u>Montreal (Census Metro)</u>	23.4
		a) <u>Montreal Island</u>	24.0
Beaconsfield	12.3	Montreal	17.1
Dorval	27.5	Montreal-N.	13.1
Mont-Royal	25.7	Lachine	38.3
Pierrefonds	36.5	LaSalle	37.3
Pointe-Claire	18.7	Outremont	22.4
St-Laurent	41.0	Pointe-aux-Trembles	14.2
Westmount	20.3	Verdun	39.4
		b) <u>Ile-Jesus</u>	13.9
		Chomedey	26.1
		c) <u>Other</u>	
St-Lambert	42.4	Bellevue	22.4
		Longueuil	14.6
		St-Hubert	41.3

	<u>FRAÇAIS</u>		<u>ANGLAIS</u>
	%		%
<u>ONTARIO</u>			
Cornwall	42.1		
Elliott Lake	27.0		
Canton Gloucester (Orléans)	39.0		
Pembroke	10.0		
Port Colborne	10.0		
Canton Teck (Kirkland Lake)	13.0		
Welland	13.0		
<u>Ottawa-Hull</u>	37.7	Eastview	34.0
(Recensement Métro)			
Ottawa	21.3		
<u>Sudbury</u> (Recensement	20.7		
(Métro)			
Sudbury	29.1		
<u>Timmins</u> (Recensement	34.3		
(Métro)			
Timmins	40.9		
<u>Canton Widdifield</u>	20.4		
North Bay	13.6		
Windsor (Recensement	10.3		
(Métro)			
Riverside	10.3		
Sandwich E.	15.1		
Sandwich O.	11.1		
<u>MANITOBA</u>			
St. Boniface	35.6		
St-Vital	10.0		
<u>ALBERTA</u>			
Bonnyville	19.7		
Comté Sturgeon	10.3		
<u>COLONIE-BRITANNIQUE</u>			
Cocquitham	11.1		

D'après les chiffres statistiques du recensement de 1901, le français est la langue maternelle de 28.0% de la population du Canada. Dans la province de Québec, l'anglais est la langue maternelle de 13.6% de la population, et dans la province du Nouveau-Brunswick 36.2% de la population revendique le français comme langue maternelle.

Liste des centres et régions d'une population de 10,000 âmes ou davantage, qui comprennent une minorité d'au moins dix pour cent dont la langue maternelle est le français ou l'anglais.

	<u>FRANCAIS</u>		<u>ANGLAIS</u>
	%		%
<u>NOUVELLE-ECOSSE</u>			
Inverness	28.4		
Richmond	48.0		
<u>NOUVEAU-BRUNSWICK</u>			
Moncton	32.5	Edmundston	10.5
		Bathurst	36.3
<u>QUEBEC</u>			
		Arvida	11.1
		Gatineau	11.7
		Magog	11.1
		Noranda	28.4
		Ste-Foy	12.1
		St-Jean	18.8
		Sept-Iles	10.4
		Sherbrooke	10.5
		Sillery	15.9
		Montréal (Recensement Métro)	23.4
		a) <u>Ile de Montréal</u>	24.0
Beaconsfield	12.3	Montréal	17.1
Dorval	27.5	Montréal-N.	13.1
Mont-Royal	25.7	Lachine	38.3
Pierrefonds	36.5	LaSalle	37.3
Pointe-Claire	18.7	Outremont	22.4
St-Laurent	41.0	Pointe-aux-Trembles	14.2
Westmount	20.3	Verdun	39.4
		b) <u>Ile Jésus</u>	13.9
		Chomedey	26.1
		c) <u>Autres</u>	
St-Lambert	42.4	Laflèche	22.4
		Longueuil	14.6
		St-Hubert	41.3

